

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**JEFFERY GERMANY and
NATALIE GERMANY**

PLAINTIFFS

VERSUS

CIVIL ACTION NO.: 3:24-674 MTP-KHJ

**RANKIN COUNTY SHERIFF'S DEPARTMENT
and JOHN DOES 1-10**

DEFENDANTS

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR JUDGMENT ON THE
PLEADINGS**

COME NOW the Plaintiff's Jeffery Germany and Natalie Germany, by and through undersigned counsel, and file this Response to the Defendants' Motion for Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12(c) as follows:

The Defendants have articulated five primary reasons upon which they base their claim that they are entitled to a judgment on the pleadings:

- a. The allegations in Plaintiffs' [1] Complaint are false and directly disputed by Jeffery Germany's deposition testimony and video evidence;
- b. The Rankin County Sheriff's Department is not a political subdivision and is not amenable to suit;
- c. Plaintiffs have failed to plead a facially plausible **Monell** claim against this Defendant;
- d. Plaintiffs cannot recover punitive damages from this Defendant under § 1983 as a matter of law; and
- e. The Defendant is entitled to § 1988 fees from Plaintiffs due the frivolous, unreasonable, and/or groundless allegations in the [1] Complaint.

Each of these allegations will be addressed in turn and in detail in the Plaintiffs' Memorandum in Support of their Response to the Defendant's Motion to Dismiss. For the

purposes of this Response, suffice it to say that (a) the allegations in the Complaint are not directly disputed by one of the plaintiffs, Jeffery Germany, with the exception of one detail, and there is no video evidence to dispute the remaining claims which has been submitted by the Defendant; (b) The allegations of the Complaint are all addressed against the proper party, Rankin County, Mississippi, and the amendment of the Caption of the Complaint to reflect the proper party is the proper remedy for any shortcoming under Rule 10 of the Mississippi Rules of Civil Procedure, which governs this claim; (c) Plaintiffs have indeed pleaded a facially plausible **Monell** claim; (d) Plaintiffs will concede that they cannot recover punitive damages from the Defendants as a matter of law; and (e) The Defendant is not entitled to attorney's fees or sanctions under 42 U.S.C. §1988 since the Complaint in this cause is not frivolous.

Pursuant to Fed.R.Civ.Pro 12, the exhibits submitted by the Defendants are outside the pleadings and should not properly be considered for the purposes of a Motion on the pleadings.

WHEREFORE, ABOVE PREMISES CONSIDERED, the Plaintiffs pray that this Honorable Court will deny the Defendant's Motion for Judgment on the Pleadings and will

grant the Plaintiff's appropriate relief as necessary under the law.

RESPECTFULLY SUBMITTED, THIS THE 20TH DAY OF MAY, 2025.

JEFFERY GERMANY and NATALIE GERMANY

By: /s/ **TRENT L. WALKER**
TRENT WALKER, MSB#10475

Trent Walker, MSB#10475
Trent Walker, Counselor at Law
5255 Keele Street, Suite A
Jackson, MS 39206
601-321-9540
Trent@Trentwalkerlaw.com

CERTIFICATE OF SERVICE

I, Trent Walker, Attorney for the plaintiff do hereby certify that I have this day caused the foregoing document to be served via Mississippi Electronic filing on the following Counsel of record:

Jason Dare
jdare@bislawyers.com
Biggs Ingram & Solop, PLLC
P.O. Box 14028
Jackson, MS 39236

This the 5th day of May, 2025.

By: /s/ **TRENT L. WALKER**
TRENT WALKER, MSB#10475